

DELEGATED REPORT

Report by Helen Pressley	Date of report: 14/12/2023	Ref: 70234/FUL
Registration: 08/11/2023	LDfC: 02/12/2023	Expiry Date: 03/01/2024
Site Visit: 24/11/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor/single storey rear extension; Loft conversion with rear dormer

Location: 84 Spring Street, Bury, BL9 0RW

Description

The application property is a two storey, mid-terrace house which abuts the highway at the front and there is a yard to the rear.

Planning permission was previously approved for a single storey extension that projects 3000mm metres along the boundary with No. 82. A part single, part two storey extension was approved adjacent to the boundary with No. 86. This element of the proposal projected 3010mm at first floor and 6000mm at ground floor. The first floor was set approximately 1600mm off the shared boundary with No. 82. This application was not built in accordance with the approved plans.

Planning permission is now sought for a two storey rear extension that projects 3000mm from the rear of the original property. A further single storey rear extension is proposed to the rear of this extension that projects a further 3000mm along the shared boundary with No. 82 and is set off the shared boundary with No. 86 by approximately 1590mm. These extensions have already been completed.

A flat roof rear dormer has also been constructed within the roof slope of the original property.

Relevant Planning History

66315 - Two/single storey extension at rear - Approve with Conditions 01/02/2021

23/0270 - Not built in accordance with planning permission 66315 (boundary wall) - 20/11/2023

Publicity

5 neighbours notified on 10/11/2023 - One objection received.

- The extension's gutters overhang the boundary.
- They have used the boundary wall without their knowledge or permission.
- They are concerned the extension will block light to their property.
- The addition of the dormer is out of character with the existing property and will set an unwelcome precedent for other alterations that could affect the value of their property.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Visual Amenity

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and

appearance of neighbouring properties and the general street scene.

The rear of the site is visible from Back Spring Street West. The attached property at No. 86 has an existing two storey, pitched roof extension. A number of similar style two storey extensions are also visible within the row. The lean-to style roof also replicates other single storey extensions within the row.

The proposed extension would utilise matching materials and the proposed windows and doors are considered to be suitably aligned. A suitable amount of amenity space would be retained to the rear of the property.

The flat roof dormer is located within the roofslope of the original property and is likely to be permitted development, although it has been included within the description of development. Another flat roof dormer is clearly visible at No. 80 Spring Street, and other examples of flat roof dormers can be seen on the properties to the rear that face East Street. It is therefore considered that a rear, flat roof dormer would not be out of character with the wider street scene and is therefore acceptable.

It is considered that the proposal would comply with UDP Policies H2/3 and SPD 6 in terms of visual amenity.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- No. 82 has an existing single storey rear extension adjacent to the boundary.
- The proposed first floor would not project more than 3 metres beyond the first floor of No. 82 complying with guidance set out within SPD 6.
- The proposed single storey rear extension would not project more than 3 metres beyond the rear of No. 82 as extended.
- No. 86 has an existing part single, part two storey extension to the rear of the dwelling.
- The proposed two storey extension would not project beyond the rear first floor elevation of No.86 as extended.
- The proposed single storey rear extension would not project more than 3 metres beyond the rear ground elevation of No. 86 as extended.
- No windows proposed facing towards No. 82.
- Window and door facing towards No. 86 would relate to a non-habitable room (kitchen) and would face towards the blank side elevation of the single storey extension of this property.
- The proposed rear first floor bedroom window would be located approximately 6.7 metres from the directly facing boundary. This would be below the 7 metres required by SPD 6 however there is a road separating this window, from the residential amenity space of No. 31 and 33 East Street extending this distance to 12.7 metres. It is therefore considered that this window complies with aspect standards.
- The proposed rear dormer bedroom window would be located approximately 9.7metres from the directly facing boundary which would be below the 10 metres required by SPD 6. As above an additional 6 metres can be added to this distance when taking into consideration the intervening road making a distance of 15.7 metres. It is therefore considered that this window complies with aspect standards.
- Aspect standards have not been applied to the proposed bathroom windows within the dormer and at first floor as these relate to a non-habitable rooms.

It is considered that the proposal would comply with UDP Policy H2/3 and SPD 6 in terms of residential amenity.

Response to objections

It is considered the material considerations in terms of visual and residential amenity have been covered in the main body of the report.

The applicant has signed Certificate B and confirmed they have served notice on the neighbouring land owners.

Loss of property value is not a material planning consideration.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings numbered RAD/2310/23/3 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 2 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP - 13/12/2023			